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In re Application of :
HONG, et al. :
Application No.: 10/563,067 :
PCT No.: PCT/KR02/02393 : DECISION ON PETITION
Int. Filing Date: 20 December 2002 :
Priority Date: 06 December 2002 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: None :
For: SYSTEM FOR COLLECTING VEHICLE DATA :
AND DIAGNOSTICATING THE VEHICLE :
USING USB HARD DRIVE :

This decision is in response to applicant's "Petition For Revival of an International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 16 June 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 December 2002, applicant filed international application PCT/KR02/02393 which claimed priority of an earlier Korean application filed 06 December 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 June 2005.

On 06 June 2005, the application became abandoned for failure to pay the basic national fee for a U.S. national stage entry application.

On 16 June 2005, applicant filed the present petition to revive pursuant to 37 CFR 1.137(b) accompanied by a continuation application.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has supplied the proper reply in the form of the filing of a

continuation application.

As to item (2), applicant provided payment of the small entity petition fee for a petition under 37 CFR 1.137(b) of \$750.00 thus satisfying item (2).

Regarding item (3), applicant's statement that, "The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." satisfies this element.

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

Applicant's petition to revive for the purposes of continuity only is **GRANTED**.

International application PCT/KR02/02393 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the continuation application number 11/153,021.

This application is being forwarded to file repository for storage.



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